

Remarks

Claims 1-16 were pending.

Claims 9 and 11-15 are withdrawn.

Claims 6 and 8 are canceled.

Claims 1, 2, 7, 10 and 16 are amended.

Claims 1-5, 7 and 9-16 are now pending.

Claims 1-5, 7, 10 and 16 are now under consideration.

Claim 1 is amended to include the limitations of claims 6 and 8.

Claim 1 is also amended to define the substituents for C_1-C_{12} alkyl within the definitions of Q_1 , Q_2 and Q_3 . Support is found in the first paragraph of page 5 of the disclosure.

Claim 1 is also amended to define the U groups removable under alkaline conditions. Support is found in the first full paragraph of page 13.

Claim 1 is also amended to define the non-reactive substituents within T_1 . Support is found in the paragraph bridging pages 14 and 15.

Claim 10 is amended to repair an obvious error, that is not deleting "1" in the Preliminary Amendment.

The claims are otherwise amended to be more clear and to have proper alternative language.

No new matter is added.

Claim Objections

Claim 10 is objected to as not deleting "1". Claim 10 is corrected as required.

Claim Rejections

Claims 1-6, 8, 10 and 16 are rejected under 35 USC 112, first paragraph, as not being enabling.

The Examiner states that the specification is not enabling for all heterocycles.

Z_1 and Z_2 are now more specifically defined. In view of the present amendments, Applicants submit that these rejections are addressed and are overcome.

Claims 1-8, 10 and 16 are rejected under 35 USC 112, second paragraph, for reasons of record.

The Examiner objects to "unsubstituted or substituted" alkyl or aryl groups, to "heterocyclic series", to "removable group" and to "non-reactive substituent".

The Examiner also points out improper alternative language.

The present claims are amended to address these issues.

The Examiner states that moiety (3c') of claim 7 is ambiguous as to the substituent attached to nitrogen.

Applicants submit that this is clear; the substituent may be hydrogen (H), methyl (Me) or ethyl (Et). This is understood by those skilled in the art.

Claims 1-8, 10 and 16 are rejected under 35 USC 103(a) as being unpatentable over Reuscher, et al., U.S. Pat. No. 5,728,823.

Applicants respectfully rebut these rejections.

The present compounds of formula Ia contain polysaccharide linked to a spacer (B) over a nitrogen atom.

Reuscher discloses in columns 1-3 a formula for cyclodextrin derivatives (I), which contain an N-heterocycle attached to their polysaccharide carbon backbone. The heterocycle contains at least one halogen or ammonium to become a reactive group (col. 2, lines 7-9), bonding to the backbone with an ether, thioether, ester or amine group (col. 2, lines 2-3) and an optional alkyl spacer. Generic coverage arises for some of the present compounds by the amino linkage.

While Reuscher generically describes a number of linkage groups to the polysaccharide including amino, the processes described in this reference (col. 4, line 32 onwards) are silent about amino-derivatives: Suitable educts, which are said to be known from literature (col. 5, lines 33-34), are described as cyclodextrin ethers and/or esters (col. 4, lines 62-65). Reuscher teaches reacting these educts with the N-containing heterocyclic compound (col. 4, lines 40-41), which contain at least 2 electrophilic centers (col. 5, lines 34-36); these components are mainly selected from chloropyrimidines and chlorotriazines such as cyanuric chloride (see lower section of col. 5, and examples).

Other than the very generic disclosure of Reuscher, the amino educts for the present compounds, such as those claimed in present claim 16, are not known from literature. Neither their preparation has been mentioned or suggested by Reuscher, nor has their reaction with the heterocyclic component been described in any way in that document.

Consequently, and despite of the broad generic formula given, Reuscher not only fails to exemplify the present compounds, but fails to provide any motivation to the person skilled in the art to employ amino-derivatized polysaccharides as starting material for the reaction with heterocyclics such as cyanuric chloride, and is far from giving any hint on the preparation of such educts. Reuscher does not suggest the present compounds, and does not enable the skilled person to prepare said compounds.

In view of these remarks, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

In view of the present amendments and the above remarks, Applicants submit that each of the claim objections and rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Corporation
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

Attachment: Petition for a 1 month extension of time